

§ 1915(b)(2).

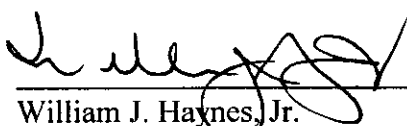
As provided in the memorandum entered contemporaneously herewith, Plaintiff's complaint is **DISMISSED** for failure to state a claim on which relief may be granted. 28 U.S.C. §§ 1915(e)(2)(B)(ii); 1915A(b)(1). Because an appeal from the judgment rendered herein would **NOT** be taken in good faith, Plaintiff is **NOT** certified to pursue an appeal from this judgment *in forma pauperis*. 28 U.S.C. § 1915(a)(3); *Coppedge v. United States*, 369 U.S. 438, 444-46 (1962). Nevertheless, should Plaintiff decide to file a notice of appeal, he either must pay the Clerk of Court the full appellate filing fee of four hundred fifty-five dollars (\$455.00), or submit a new application to proceed *in forma pauperis* with a certified copy of his inmate trust account statement for the six (6) month period preceding the filing of his notice of appeal. 28 U.S.C. §§ 1915(a)(1) and (a)(2); *McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997).

The Clerk is **DIRECTED** to forward a copy of this order to the Warden at the West Tennessee State Penitentiary to ensure that the custodian of Plaintiff's inmate trust fund account complies with the part of the Prison Litigation Reform Act that pertains to the payment of filing fees.

Entry of this order shall constitute the judgment in this action.

It is so **ORDERED**.

ENTERED this the 20th day of February, 2009.


William J. Haynes, Jr.
United States District Judge